

**REMARKS**

Favorable reconsideration of this application is respectfully requested in view of amendments above and the following remarks. Claims 1-20 are pending in the present application of which claims 1, 6, 8 and 15 are independent.

Claims 1-20 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Lamarque, III (6,674,746). This rejection is traversed for the reasons stated below.

**Drawings**

The indication that the drawings submitted on June 24, 2003 have been approved is noted with appreciation.

**Claim Rejection Under 35 U.S.C. §102**

The test for determining if a reference anticipates a claim, for purposes of a rejection under 35 U.S.C. § 102, is whether the reference discloses all the elements of the claimed combination, or the mechanical equivalents thereof functioning in substantially the same way to produce substantially the same results. As noted by the Court of Appeals for the Federal Circuit in *Lindemann Maschinenfabrik GmbH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984), in evaluating the sufficiency of an anticipation rejection under 35 U.S.C. § 102, the Court stated:

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

Therefore, if the cited reference does not disclose each and every element of the claimed invention, then the cited reference fails to anticipate the claimed invention and, thus, the claimed invention is distinguishable over the cited reference.

Claims 1-20 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Lamarque, III (6,674,746), referred to as Lamarque.

Claim 1 recites, “establishing a second path between an answering node and the gateway using a second channel of the circuit-switched network if the answering node is remote relative to the gateway, wherein the first and second paths collectively form a bi-directional communication path.” These features are not taught by Lamarque.

The rejection asserts these features are disclosed in columns 3-4, lines 57-7 and columns 5-6, lines 67-21. These passages simply disclose that there is gateway between a PSTN and a WAN. Lamarque does not disclose a gateway that uses a second channel of the circuit-switched network if the answering node is remote relative to the gateway. Lamarque does not determine whether an answering node is local to the gateway or remote from the gateway, and thus Lamarque does not disclose using a second channel of the circuit-switched network between the answering node and the gateway if the answering node is remote relative to the gateway.

Dependent claim 2 recites, “establishing the second path between the answering node and the gateway using the packet-switched network, if the answering node is local relative to the packet-switched network.” As indicated above, Lamarque does not determine whether an answering node is local to the gateway or remote from the gateway. Accordingly, Lamarque fails to teach establishing the second path between the gateway and answering node using the packet-switch network if the answering node is local to the gateway.

In column 2, lines 19-34, Lamarque discloses that in response to a user request, a call transfer feature may be used to transfer a call from a packet-switched network to a circuit-switched network, or vice versa. However, the decision to transfer is made in response to a user request and not in response to determining whether an answering node is remote or local to a gateway. Furthermore, the gateway of Lamarque does not convert received circuit-switch voice data for an answering node to packet-switched data, and then re-converts the packet-switched data to the voice data (reproduced) for the answering node if the answering node is remote to the gateway. Instead, Lamarque discloses that a switch 600 (or switch 108 shown in figure 1) includes a call transfer application that transfers the call to the circuit-switched network from the packet-switched network. See column 6, line 41-column 7, line 47. The switch 600 is not a gateway that converts voice data to packet data and then re-converts to voice data if the answering node is remote to the gateway. Instead, the switch 600 simply transfers the call to a telephone number in the circuit-switched network without converting voice data to packet data and then re-converting to voice data if the answering node is remote to the gateway.

Independent claim 6 recites, “routing the packet-switched voice data to the second node, only if the second node is local to the gateway on the packet-switched network.” Lamarque fails to teach this feature, because Lamarque does not disclose determining if a second node is local to a gateway.

Independent claim 8 describes a gateway converting circuit-switched voice data to packet-switched voice data and converting the packet-switched voice data to second circuit-switched voice data for any packet designating a remote second node. Lamarque fails to teach a gateway converting the same voice data to packet data and then back to voice data.

Independent claim 15 describes a gateway conversion means coupled to the first and second nodes via first and second channels of a circuit-switched network, respectively. Independent claim 15 further describes converting first circuit-switched voice data from the first or second node to packetized voice data, and also describes converting packetized data to second circuit-switched voice data for communicating the second circuit-switched voice data to the first or second node. Lamarque fails to teach these features. Lamarque discloses a gateway that converts circuit-switched voice data to packet data and vice versa. However, Lamarque does not disclose a gateway is connected to first and second nodes via channels in the circuit-switched network, and also converts between circuit-switched voice and packet data for the same two nodes. Gateways shown in figure 1 of Lamarque do not connect two nodes using channels in a circuit-switched network. Instead, the gateway of Lamarque connects two nodes using a circuit-switched network and a packet network, rather than using two channels in a circuit-switched network.

For at least these reasons, claims 1-20 are believed to be allowable.

**Conclusion**

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

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By

  
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